

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

Senate Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

CHAPTER 142

SENATE BILL 1082

AN ACT

AMENDING SECTIONS 46-141, 46-217 AND 46-218, ARIZONA REVISED STATUTES;
RELATING TO DEPARTMENT OF ECONOMIC SECURITY FINGER IMAGING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 46-141, Arizona Revised Statutes, is amended to
3 read:

4 46-141. Criminal record information checks; fingerprinting
5 employees and applicants; definition

6 A. Each license granted by the department of economic security and
7 each contract entered into between the department of economic security and
8 any contract provider for the provision of services to juveniles OR
9 VULNERABLE ADULTS shall provide that, as a condition of employment, personnel
10 who are employed by the licensee or contractor, whether paid or not, and who
11 are required or allowed to provide services directly to juveniles OR
12 VULNERABLE ADULTS shall have a valid fingerprint clearance card issued
13 pursuant to section 41-1758.07 or shall apply for a fingerprint clearance
14 card within seven working days of employment.

15 B. The licensee or contractor shall assume the costs of fingerprint
16 checks and may charge these costs to its fingerprinted personnel. The
17 department may allow all or part of the costs of fingerprint checks to be
18 included as an allowable cost in a contract.

19 C. A service contract or license with any contract provider or
20 licensee that involves the employment of persons who have contact with
21 juveniles OR VULNERABLE ADULTS shall provide that the contract or license may
22 be canceled or terminated immediately if a person certifies pursuant to
23 subsections F and G of this section that the person is awaiting trial on or
24 has been convicted of any of the offenses listed in subsections F and G of
25 this section in this state or similar offenses in another state or
26 jurisdiction or if the person does not possess or is denied issuance of a
27 valid fingerprint clearance card.

28 D. A contract provider or licensee may avoid cancellation or
29 termination of the contract or license under subsection C of this section if
30 a person who does not possess or has been denied issuance of a valid
31 fingerprint clearance card or who certifies pursuant to subsections F and G
32 of this section that the person has been convicted of or is awaiting trial on
33 any of the offenses listed in section 41-1758.07, subsection B is immediately
34 prohibited from employment or service with the contract provider or licensee
35 in any capacity requiring or allowing contact with juveniles OR VULNERABLE
36 ADULTS.

37 E. A contract provider or licensee may avoid cancellation or
38 termination of the contract or license under subsection C of this section if
39 a person who does not possess or has been denied issuance of a valid
40 fingerprint clearance card or who certifies pursuant to subsections F and G
41 of this section that the person has been convicted of or is awaiting trial on
42 any of the offenses listed in section 41-1758.07, subsection C is immediately
43 prohibited from employment or service with the contract provider or licensee
44 in any capacity requiring contact with juveniles OR VULNERABLE ADULTS unless
45 the person is granted a good cause exception pursuant to section 41-619.55.

1 F. Personnel who are employed by any contract provider or licensee,
2 whether paid or not, and who are required or allowed to provide services
3 directly to juveniles OR VULNERABLE ADULTS shall certify on forms provided by
4 the department of economic security and notarized whether they are awaiting
5 trial on or have ever been convicted of any of the criminal offenses listed
6 in section 41-1758.07, subsections B and C in this state or similar offenses
7 in another state or jurisdiction.

8 G. Personnel who are employed by any contract provider or licensee,
9 whether paid or not, and who are required or allowed to provide services
10 directly to juveniles shall certify on forms provided by the department of
11 economic security and notarized whether they have ever committed any act of
12 sexual abuse of a child, including sexual exploitation and commercial sexual
13 exploitation, or any act of child abuse.

14 H. Federally recognized Indian tribes or military bases may submit and
15 the department of economic security shall accept certifications that state
16 that personnel who are employed or who will be employed during the contract
17 term have not been convicted of, have not admitted committing or are not
18 awaiting trial on any offense under subsection F of this section.

19 I. A person who applies to the department of economic security for a
20 license or certificate or for paid or unpaid employment, including contract
21 services, and who will provide direct services to juveniles or vulnerable
22 adults shall submit a full set of fingerprints to the department for the
23 purpose of obtaining a state and federal criminal records check pursuant to
24 section 41-1750 and Public Law 92-544. The department of public safety may
25 exchange this fingerprint data with the federal bureau of investigation.
26 This subsection does not apply to those persons who are subject to section
27 8-105, 8-509, 8-802 or 41-1968 OR SUBSECTION A OF THIS SECTION.

28 J. The special services unit of the department of economic security
29 may use the department of public safety automated system to update all
30 criminal history record information in order to ensure, to the maximum extent
31 reasonably possible, complete disposition information. The department of
32 economic security may deny employment or issuance or renewal of the contract
33 or license applied for in these cases if it determines that the criminal
34 history record information indicates that such employee, applicant or
35 contractor is not qualified or suitable.

36 K. Volunteers who provide services to juveniles OR VULNERABLE ADULTS
37 under the direct visual supervision of the contractor's or licensee's
38 employees are exempt from the fingerprinting requirements of this section.

39 L. The department of economic security shall notify the department of
40 public safety if the department of economic security receives credible
41 evidence that a person who possesses a valid fingerprint clearance card
42 pursuant to subsection A of this section either:

43 1. Is arrested for or charged with an offense listed in section
44 41-1758.07, subsection B or C.

2. Falsified information on the form required by subsection F of this section.

M. FOR THE PURPOSES OF THIS SECTION, "VULNERABLE ADULT" HAS THE SAME MEANING PRESCRIBED IN SECTION 46-451.

Sec. 2. Section 46-217, Arizona Revised Statutes, is amended to read:
46-217. Finger imaging program: temporary assistance to needy families

A. The department shall establish a finger imaging program FOR THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.

B. AS A CONTROL TO PREVENT MULTIPLE ENROLLMENTS IN THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM, every adult applicant for ~~or~~ AND adult recipient or ~~eligible~~ minor parent recipient of temporary assistance for needy families SHALL BE FINGER IMAGED as a condition of eligibility ~~for assistance is required to be finger imaged as required by this section.~~

C. Finger images obtained pursuant to this section shall be used only for the purposes of determining eligibility for temporary assistance for needy families and preventing multiple enrollments in ~~assistance programs~~ THE PROGRAM and may not be accessed by any other agency of this state for another purpose.

D. The department shall adopt rules:

1. Setting forth the finger imaging requirements and any exceptions to these requirements for physical or other impairment.

2. For administratively appealing multiple enrollment determinations.

E. ~~An applicant for or recipient of~~ OTHERWISE ELIGIBLE ASSISTANCE UNIT MAY NOT PARTICIPATE IN THE temporary assistance for needy families ~~is not eligible for this assistance unless~~ PROGRAM IF the adult applicant, adult recipient or ~~eligible~~ minor parent ~~provides finger images pursuant to~~ RECIPIENT REFUSES OR FAILS TO COOPERATE WITH the finger imaging program REQUIREMENTS.

~~F. If an adult applicant for or adult recipient or eligible minor parent recipient of temporary assistance for needy families refuses to comply with the finger imaging requirements the department shall deny these benefits to the assistance unit.~~

~~G. F. If an adult applicant for or adult recipient or eligible minor parent recipient of temporary assistance for needy families complies with the finger imaging requirements and meets all other eligibility requirements, the department shall approve these benefits. If the finger image of an applicant, adult recipient or eligible minor parent for assistance~~ RECIPIENT matches another finger image on file, a fraud investigator shall be notified and the applicant or recipient shall be made aware of the match. ~~If a finger image is not accessed within a one year period, it shall be purged from the file.~~ If the investigator verifies the fraud, the department shall terminate benefits. The ADULT applicant, ADULT RECIPIENT or MINOR PARENT recipient may appeal this termination pursuant to section 46-205. If the match is

1 appealed, the finger image match shall be verified by a trained individual
2 before the termination of benefits.

3 G. THE DEPARTMENT SHALL PURGE A FINGER IMAGE THIRTY-SIX MONTHS AFTER
4 IT DENIES OR TERMINATES TEMPORARY ASSISTANCE FOR NEEDY FAMILIES OR
5 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS, WHICHEVER OCCURS LATER,
6 FOR THE INDIVIDUAL WHO WAS FINGER IMAGED.

7 H. The director of the department of economic security shall report to
8 the chairperson of the senate appropriations committee and the chairperson of
9 the house of representatives appropriations committee on OR BEFORE February
10 15, 1997, and OF each year thereafter as to the actual and projected savings
11 from reduced caseloads in the temporary assistance for needy families program
12 directly attributable to the finger imaging program prescribed by this
13 section.

14 Sec. 3. Section 46-218, Arizona Revised Statutes, is amended to read:
15 46-218. Finger imaging program; supplemental nutrition
16 assistance

17 A. The department shall establish a finger imaging program for the
18 ~~food stamp~~ SUPPLEMENTAL NUTRITION ASSISTANCE program pursuant to 7 United
19 States Code section 2011.

20 B. ~~As a condition of eligibility for the food stamp~~ CONTROL TO PREVENT
21 MULTIPLE ENROLLMENTS IN THE SUPPLEMENTAL NUTRITION ASSISTANCE program, every
22 adult applicant, adult recipient or eligible minor parent ~~for the food stamp~~
23 ~~program~~ RECIPIENT OF SUPPLEMENTAL NUTRITION ASSISTANCE shall be finger imaged
24 as required by this section.

25 C. Finger imaging IMAGES obtained pursuant to this section shall be
26 used only for the purposes of ~~determining eligibility for food stamps and~~
27 preventing multiple enrollments in the program and may not be accessed by any
28 other agency of this state for another purpose.

29 D. The department shall adopt rules:

30 1. Setting forth the finger imaging requirements and any exceptions to
31 these requirements for physical or other impairment.

32 2. For administratively appealing multiple enrollment determinations.

33 E. ~~An applicant or recipient for food stamps is not eligible for this~~
34 ~~assistance unless~~ OTHERWISE ELIGIBLE HOUSEHOLD MAY NOT PARTICIPATE IN THE
35 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM IF the adult applicant, adult
36 recipient or eligible minor parent ~~provides finger images pursuant to~~
37 RECIPIENT REFUSES OR FAILS TO COOPERATE WITH the finger imaging program
38 REQUIREMENTS.

39 F. ~~If an adult applicant, adult recipient or eligible minor parent of~~
40 ~~food stamps refuses to comply with the finger imaging requirements, the~~
41 ~~department shall deny these benefits to the assistance unit.~~

42 G. F. ~~If an adult applicant, adult recipient or eligible minor parent~~
43 ~~of food stamps complies with the finger imaging requirements and meets all~~
44 ~~other eligibility requirements, the department shall approve eligibility for~~
45 ~~benefits.~~ If the finger image of an ADULT applicant, ADULT RECIPIENT or

1 MINOR PARENT recipient for assistance matches another finger image on file, a
2 fraud investigator shall be notified and the applicant or recipient shall be
3 made aware of the match. ~~If a finger image is not accessed within a one year~~
4 ~~period, it shall be purged from the file.~~ If the investigator verifies the
5 fraud, the department shall terminate benefits. The adult applicant, adult
6 recipient or eligible minor parent RECIPIENT may appeal this termination
7 pursuant to section 46-205. If the match is appealed, the finger image match
8 shall be verified by a trained individual before the termination of benefits.

9 G. THE DEPARTMENT SHALL PURGE A FINGER IMAGE THIRTY-SIX MONTHS AFTER
10 IT DENIES OR TERMINATES SUPPLEMENTAL NUTRITION ASSISTANCE OR TEMPORARY
11 ASSISTANCE FOR NEEDY FAMILIES PROGRAM BENEFITS, WHICHEVER OCCURS LATER, FOR
12 THE INDIVIDUAL WHO WAS FINGER IMAGED.

13 H. The director of the department of economic security shall report to
14 the chairperson of the senate appropriations committee and the chairperson of
15 the house of representatives appropriations committee on OR BEFORE February
16 15, 1997, and OF each year thereafter as to the actual and projected savings
17 from reduced caseloads in the ~~food-stamp~~ SUPPLEMENTAL NUTRITION ASSISTANCE
18 program directly attributable to the finger imaging program prescribed by
19 this section.

20 Sec. 4. Applicability

21 Notwithstanding the requirements of section 46-141, subsection A,
22 Arizona Revised Statutes, as amended by this act, personnel who are employed
23 by a licensee or contractor, whether paid or not, and who are providing
24 services directly to vulnerable adults on the effective date of this act are
25 not required to have a valid fingerprint clearance card until December
26 31, 2012.

APPROVED BY THE GOVERNOR APRIL 18, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2011.

Passed the House April 7, 20 11,

by the following vote: 55 Ayes,

1 Nays, 4 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate February 10, 20 11,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate

Charmine Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

12 day of April, 20 11,

at 11:15 o'clock A - M.

[Signature]
Secretary to the Governor

Approved this 18th day of

April, 20 11,

at 10:27 o'clock A - M.

[Signature]
Governor of Arizona

S.B. 1082

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18th day of April, 20 11,

at 12:19 o'clock P - M.

[Signature]
Secretary of State